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COMMISSION ON HUMAN RIGHTS
Forty-ninth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Angola, Belgium*, Brazil, Costa Rica, Denmark*, Finland, France, Germany, Greece*, Iceland*, Ireland*, Italy*, Liechtenstein*, Luxembourg*, Mozambique*, Netherlands, Norway*, Portugal, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Canada, Guine' Bissau.

1993/... Situation in East Timor

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Bearing in mind the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/CN.4/1992/84, para. 457) following the violent incident of 12 November 1991 in Dili,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling resolution 1992/20 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned at continuing allegations of serious human rights violations and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Taking note of the information that the Government of Indonesia has provided the Commission on actions it has taken during the past year,

Welcoming the recent access to East Timor to human rights organizations as well as to some other relevant international observers, but remaining disappointed that such access is still frequently denied,

Having examined the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. Expresses its deep concern at the reports of continuing human rights violations in East Timor;

2. Recalls that the Commission has commended the decision of the Government of Indonesia to set up an inquiry commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to clearly identify all those responsible for these actions;

3. Expresses its concern at the lack of information about the number of people killed on 12 November 1991 and at the persons still unaccounted for and urges the Government of Indonesia to account fully for those still missing since 12 November 1991;

4. Regrets the disparity in the severity of sentences imposed on those civilians not indicted for violent activities - who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;

5. Calls upon the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor, agreed by consensus by the Commission on Human Rights at its forty-eighth session;

6. Also calls upon the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, be treated humanely and with their rights fully respected, that all trials be fair, just, public and recognize the right to proper legal representation, in accordance with international humanitarian law, and that those not involved in violent activities be released without delay;

7. Welcomes the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and calls upon the Indonesian authorities to expand this access further;

8. Encourages once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in his report (E/CN.4/1992/17/Add.1) following his visit to Indonesia and East Timor and to keep the Special Rapporteur informed of the progress made towards their implementation;

9. Urges the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;

10. Welcomes the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his Personal Envoy in the coming months, and invites the Secretary-General to consider transmitting the full reports of Mr. Wako's previous and next visit to the Commission on Human Rights;

11. Also welcomes the resumption of talks on the question of East Timor and encourages the Secretary-General to continue his good offices for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;

12. Decides to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, inter alia, Governments, intergovernmental and non-governmental organizations.

Resolution on EAST TIMOR. 11 March 93

Proposed by Denmark for the EUROPEAN COMMUNITY

Carried by 22 votes to 12 with 15 abstentions & 4 absent.

MEMBERS	YES	NO	ABST.	Non Par
ANGOLA	X			
ARGENTINA			X	
AUSTRALIA	X			
AUSTRIA	X			
BANGLADESH		X		
BARBADOS	X			
BRAZIL	X			
BULGARIA	X			
BURUNDI			X	
CANADA	X			
CHILE	X			
CHINA		X		
COLOMBIA			X	
COSTA RICA	X			
CUBA		X		
CYPRUS			X	
CZECH REPUBLIC	X			
FINLAND	X			
FRANCE	X			
GABON			X	
GAMBIA		X		
GERMANY	X			
GUINEA-BISSAU	X			
INDIA		X		
INDONESIA		X		
IRAN (ISLAMIC REPUBLIC OF)		X		
JAPAN			X	
KENYA			X	
LESOTO			X	
~~LYBIAN~~ ARAB JAMAHIRIYA				X
MALAYSIA		X		
MAURITANIA			X	
MAURITIUS	X			
MEXICO			X	
NETHERLANDS	X			
NIGERIA	~~X~~	X		
PAKISTAN			X	
PERU			X	
POLAND	X			
PORTUGAL	X			
REPUBLIC OF KOREA			X	
~~ROMANIA~~				X
RUSSIAN FEDERATION	X			
SRI LANKA		X		
SUDAN		X		
SYRIAN ARAB REPUBLIC		X		
~~TOGO~~				X
TUNISIA			X	
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	X			
UNITED STATES OF AMERICA	X			
~~URUGUAY~~				X
VENEZUELA			X	
ZAMBIA	X			
TOTAL	22	12	15	4

MOTION OF
NO ACTION
ON
EAST TIMOR
11 March 93
Proposed by
MALAYSIA
DEFEATED
by 22 votes
to 15 with
12 abstentions
& 4 absent

MEMBERS	YES	NO	ABST.
ANGOLA		X	
ARGENTINA			X
AUSTRALIA		X	
AUSTRIA		X	
BANGLADESH	X		
BARBADOS		X	
BRAZIL		X	
BULGARIA		X	
BURUNDI			X
CANADA		X	
CHILE		X	
CHINA	X		
COLOMBIA			X
COSTA RICA		X	
CUBA	X		
CYPRUS			X
CZECH REPUBLIC		X	
FINLAND		X	
FRANCE		X	
GABON			X
GAMBIA	X		
GERMANY		X	
GUINEA-BISSAU		X	
INDIA	X		
INDONESIA	X		
IRAN (ISLAMIC REPUBLIC OF)	X		
JAPAN	X		
KENYA	X		
LESOTHO			X
~~LYBIAN~~ ARAB JAMAHIRIYA			X
MALAYSIA	X		
MAURITANIA			X
MAURITIUS		X	
MEXICO			X
NETHERLANDS		X	
NIGERIA	X		
PAKISTAN			X
PERU			X
POLAND		X	
PORTUGAL		X	
REPUBLIC OF KOREA	X		
~~ROMANIA~~			X
RUSSIAN FEDERATION		X	
SRI LANKA	X		
SUDAN	X		
SYRIAN ARAB REPUBLIC	X		
~~TOGO~~			
TUNISIA			X
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND		X	
UNITED STATES OF AMERICA		X	
~~URUGUAY~~			X
VENEZUELA			X
ZAMBIA		X	
TOTAL	15	22	12 4